

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 50623.360

First Inventor John Y. Yan

Title A Medicated Porous Metal Prosthesis and A Method of Making The Same

Express Mail Label No. EV 337 974 480 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents  
Mail Stop Patent Applications  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 28]  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table,  
or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. Oath/Declaration/Power of Attorney [Total Pages 3]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATIONS PARTS**

9. ☒ Copy of Assignment Papers (cover sheet &  
document(s)) (4 pages) ☒ Copy of Power of  
Attorney By  
Assignee of Entire  
Interest (2 pages)
10. ☐ 37 C.F.R. §3.73(b) Statement  
(when there is an assignee)
11. ☒ Fee Transmittal
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS  
Citations
13. ☒ Notice of Change of Address (1 page)
14. ☒ 2 Return Receipt Postcards (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☒ Other: Communication (1 page)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,  
or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 10/235,033

Prior application information:

Examiner Michael H. Thaler

Group / Art Unit: 3731


For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied  
under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference.  
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

|         |   |           |                |          |                |
|---------|---|-----------|----------------|----------|----------------|
| Name    | Paul J. Meyer, Jr.  |           |                |          |                |
| Address | Squire, Sanders & Dempsey L.L.P.<br>1 Maritime Plaza, Suite 300 |           |                |          |                |
| City    | San Francisco   | State     | CA             | Zip Code | 94111          |
| Country | USA   | Telephone | (415) 954-0200 | Fax      | (415) 393-9887 |

|                   |   |                                   |                  |
|-------------------|---|-----------------------------------|------------------|
| Name (Print/Type) | Paul J. Meyer, Jr.  | Registration No. (Attorney/Agent) | 47,791           |
| Signature         |  | Date                              | January 28, 2004 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231.

San Francisco/I 16394.

**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1634.00**Complete if Known**

|                      |                                |
|----------------------|--------------------------------|
| Application Number   | New - Divisional of 10/235,033 |
| Filing Date          | Herewith                       |
| First Named Inventor | John Y. Yan                    |
| Examiner Name        | Unassigned                     |
| Art Unit             | Unassigned                     |
| Attorney Docket No.  | 50623.360                      |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None Order☒ Deposit Account:

Deposit Account Number 07-1850

Deposit Account Name Squire, Sanders &amp; Dempsey L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 750      | 2001         | 375      | Utility filing fee     | 770.00   |
| 1002         | 330      | 2002         | 165      | Design filing fee      |          |
| 1003         | 520      | 2003         | 260      | Plant filing fee       |          |
| 1004         | 750      | 2004         | 375      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |

**SUBTOTAL (1)** (\$) 770.00**2. EXTRA CLAIM FEES**

| Total Claims |     | Independent Claims |    | Multiple Dependent |  | Extra Claims |   | Fee from below |     | Fee Paid |     |
|--------------|-----|--------------------|----|--------------------|--|--------------|---|----------------|-----|----------|-----|
| 40           | -20 | 9                  | -3 |                    |  | 20           | 6 | 18             | 84  | 360      | 504 |
|              |     |                    |    |                    |  |              |   |                | 140 |          |     |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 84       | 2201         | 42       | Independent claims in excess of 3                          |
| 1203         | 280      | 2203         | 140      | Multiple dependent claim, if not paid                      |
| 1204         | 84       | 2204         | 42       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$) 864.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for reexamination                                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 410      | 2252         | 205      | Extension for reply within second month                                    |          |
| 1253         | 930      | 2253         | 465      | Extension for reply within third month                                     |          |
| 1254         | 1,450    | 2254         | 725      | Extension for reply within fourth month                                    |          |
| 1255         | 1,970    | 2255         | 985      | Extension for reply within fifth month                                     |          |
| 1401         | 320      | 2401         | 160      | Notice of Appeal   |          |
| 1402         | 320      | 2402         | 160      | Filing a brief in support of an appeal                                     |          |
| 1403         | 280      | 2403         | 140      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,300    | 2453         | 650      | Petition to revive - unintentional   |          |
| 1501         | 1,300    | 2501         | 650      | Utility issue fee (or reissue)   |          |
| 1502         | 470      | 2502         | 235      | Design issue fee   |          |
| 1503         | 630      | 2503         | 315      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 750      | 2809         | 375      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 750      | 2810         | 375      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 750      | 2801         | 375      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**SUBMITTED BY****Complete (if applicable)**

|                   |                    |                                  |        |           |                  |
|-------------------|--------------------|----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Paul J. Meyer, Jr. | Registration No. Attorney/Agent) | 47,791 | Telephone | (415) 954-0200   |
| Signature         |                    |                                  |        | Date      | January 28, 2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Examiner: Unassigned

John Y. Yan

Serial No.: New

Art Unit: Unassigned

Filed: Herewith

Title: A Medicated Porous Metal Prosthesis and A Method of Making the Same

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION**

Dear Examiner:

The copy of the oath and declaration is for the enclosed divisional application and is a copy from the prior application having serial number 08/837,993. Additionally, enclosed is a copy of the Notice of Change of Address and Power of Attorney by Assignee of Entire Interest forms that were filed with application serial number 09/797,313, which was a division of application serial number 08/837,993.

If the Examiner has any questions or concerns, the Examiner is invited to call the undersigned at (415) 954-0345.

Date: January 28, 2004

SQUIRE, SANDERS & DEMPSEY L.L.P  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111  
Facsimile (415) 393-9887  
Telephone (415) 954-0200

Respectfully submitted,



Paul J. Meyer, Jr.  
Attorney for Applicant  
Reg. No. 47,791

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Y. Yan  
Assignee: Advanced Cardiovascular Systems, Inc.  
Title: METHOD OF MANUFACTURING A MEDICATED POROUS METAL PROSTHESIS  
Serial No.: 09/797,313 Filed: March 1, 2001  
Examiner: Marc Jimenez Group Art Unit: 3726  
Docket No.: 50623.182  
Former Docket No.: 56631

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COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

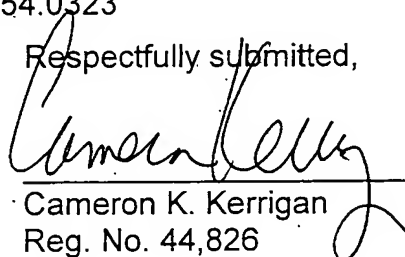
**NOTICE OF CHANGE OF ADDRESS**

Examiner:

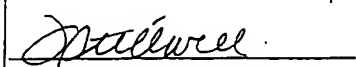
Please direct all correspondence in the above-identified application and with respect to any patent that issues on this application to the undersigned at this address:

Cameron Kerrigan  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
One Maritime Plaza, Suite 300  
San Francisco, California 94111-3492  
Telephone: 415.954.0323

Respectfully submitted,

  
Cameron K. Kerrigan  
Reg. No. 44,826

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, Washington, D.C. 20231.

 9/3/02  
Signature of Person Mailing Paper Date of Signature